

Application No.: 09/765,534

Docket No.: 28967/34891A

REMARKS**I. AMENDMENTS TO THE CLAIMS**

The claims set forth above find support throughout the application as originally filed, as well as support in each priority application, beginning with the Applicants' 1992 application, U.S.S.N. 07/959,951. Exemplary support for the amendment to claim 20 is found in the specification at page 2, lines 17 and 27-28, in Fig. 1A, and in claim 21, support for which was set forth in the Applicants' first preliminary amendment.

New claim 31 defines fragments by reference to immunoglobulin-like domains of Flt4, and finds support in Fig. 2 and at page 25, lines 8-10, and at page 36, lines 7-24. New claim 32 finds support in claim 22, support for which was set forth in the Applicants' first preliminary amendment. New claim 33 refers to cyanogen bromide (CNBr) proteolysis to generate fragments. Support for new claim 33 is found at page 32, line 12. For the Office's convenience, the Flt4 peptides created by CNBr proteolysis that include extracellular domain amino acids are appended hereto as Exhibit A.

No new matter is added by this amendment. Applicant reserves the right to pursue, in this or related applications, claims directed to any unclaimed subject matter whether originally claimed, later claimed, or not previously claimed.

II. ELECTION WITH TRAVERSE:

Applicants elect Group II (claim 19-24) as recited in the February 24, 2004 restriction requirement, with traverse. New claims 31-33 also fall in Group II.

A. THE RESTRICTION BETWEEN GROUP I AND II AND BETWEEN GROUPS III AND IV HAS BEEN RENDERED MOOT

The restriction between groups I and II, and between groups III and IV, has been rendered moot in view of the amendment to claim 20, because the extracellular domain of SEQ ID NO: 2 and 4 are identical.

B. EXAMINING GROUPS I-IV DOES NOT CONSTITUTE A SERIOUS BURDEN ON THE EXAMINER

The restriction requirement between groups I, II, III, and IV is improper because examination of all of the claims can proceed without a serious burden on the

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examiner.¹ The prosecution of the Applicants' parent patent, U.S. Patent No. 5,776,755, which issued from the November 1994 priority application, demonstrates that the subject matter of all four groups can be examined without serious burden. Claims to the related polypeptide and polynucleotide subject matters, including both "short" (SEQ ID NOS: 1 and 2) and "long" (SEQ ID NOS: 3 and 4) forms of Flt4, were examined together in the parent '755 patent and found allowable. The art identified through the prosecution of the '755 patent significantly reduces the Office's workload in examining the present application. The '755 patent also evinces that examining groups I-IV together is reasonable, efficient, and without undue burden. Moreover, the polynucleotide claims of groups III and IV depend from and encode the polypeptides of groups I and II. Accordingly, maintaining a restriction in the present case would be improper.

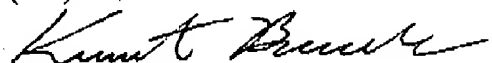
The applicants respectfully request prompt consideration of the pending claims. The claims are believed to be in condition for allowance in view of the foregoing amendments and remarks.

The Applicants invite the examiner to contact the undersigned attorney if questions arise during examination, or if the examiner has suggestions for expediting allowance.

Respectfully submitted,

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¹ See M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.")

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Exhibit A**Peptide Products of Cyanogen Bromide Digests of Flt4 Receptor Tyrosine Kinase
Yielding Fragments Comprising Extracellular Domain Amino Acids****Peptide 1:** 2 -QRGAALCLRLWLCLGLLDGLVSGYSM - 27**Peptide 2:** 28 -TPPTLNITEESHVIDTGDSLSISCRGQHPL
EWA WPGAQEAPATGDKDSED TGVVRDCEGTDAR
PYCKVLLLHEVHANDTGSYVCYKYIKARIEGTTA
ASSYVFVRDFEQPFINKPDTLLVNRKDAM - 154**Peptide 3:** 155 -WVPCLVSIPLGNVTLRSQSSVLWPDGQ
EVVWDDRRGM - 191**Peptide 4:** 192 -LVSTPLLHDALYLQCETT WGDQDFLSN
PFLVHITGNELYDIQLLPKRSLELLVGEKLVLNCT
VWAEFNSGVTFDWDYPGKQAERGKWVPERRSQQ
THTELSSILTIHNVSQHDLGSYVCKANNGIQRFRS
TEVIVHENPFISVEWLKGPILEATAGDELVKLPVK
LAAYPPPEFQWYKDGKALSGRHSPHALVLKEVTE
ASTGTYTLALWNSAAGLRNLSLELVNVNPPQIHE
KEASSPSIYSRHSRQALTCTAYGVPLPLSIQWHWR
PWTPCKM - 468**Peptide 5:** 469 -FAQRSRLRRRQQQDLM - 483**Peptide 6:** 484 -PQCRDWRAVTTQDAVNPIESLDTWTEF
VEGKNKTVSKLVIQNANVSAM - 531**Peptide 7:** 532 -YKCVVSNKVGQDERLIYFYVTTIPDGFT
IESKPSEELLEGGQPVLLSCQADSYKYEHLRWYRLN
LSTLHDAHGNPLLLDCKNVHLFATPLAASLEBPG
ARHATLSLSIPRVPEHEGHYVCEVQDRRSHDKHCH
KKYLSVQALEAPRLTQNLTDLLVNVSDSLEM - 695**Peptide 8:** 696 -QCLVGAHAPSIVWYKDERLLEEKSGVD
LADSNQKLSIQRVREEDAGRYLCSVCNAKGCVNS
SASVVEGSEDKGSM - 770**Peptide 9:** 771 -EIVILVGTGVIAVFFWVLLLLIFCNM - 796